

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-25 are rejected. Claims 1-25 remain pending in the case. Claims 11, 12 and 15-20 are amended herein. No new matter has been added.

### CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1-10, 13-17, 19 and 24-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 5,884,262 by Wise et al., hereinafter the "Wise" reference, in view of United States Patent 6,396,907 by Didcock, hereinafter the "Didcock" reference, further in view of United States Patent 5,937,037 by Kamel, hereinafter the "Kamel" reference. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-10, 13-17, 19 and 24-25 is not anticipated nor rendered obvious by Wise in view of Didcock, further in view of Kamel.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of providing streaming content from the Internet to a telephone using a computer system, the computer system including a telephone interface system coupled in communications with an Internet access system, the telephone interface system being coupled in communications with the telephone, the method comprising:

receiving an Internet access request, the Internet access request implicitly based on at least one user personalization choice and corresponding to an Internet site outside of the computer system;

receiving the streaming content from the Internet site, the streaming content including an audio portion; and

sending at least the audio portion of the streaming content over the telephone interface system to send an audio signal, corresponding to the audio portion, to the telephone.

Independent Claims 17 and 25 recite similar limitations. Claims 2-16 that depend from independent Claim 1 and Claims 18-24 that depend from independent Claim 17 provide further limitations descriptive of the features of the present invention.

Claim 1, and similarly Claims 17 and 25, recite the limitation of streaming content to a telephone in response to an implicit request based on a user personalization choice. The Wise fails to teach or suggest this claim limitation. Didcock and Kamel fail to remedy this default. On the contrary, Wise teaches a computer network audio access and conversion system. In particular, Applicants understand Wise to teach a system for presenting information based on an explicit request for information.

As described in the claimed embodiment of the present invention, a method is provided for providing streaming content over a telephone interface wherein the streaming content is implicitly requested. Specifically, the claimed embodiment recites the limitation of an Internet access request for implicitly

based on at least one personalization choice made by the user (see page 45, lines 13-14 of the present application). As described in the specification, user personalization may be used to adopt implicit preferences (see page 32, lines 13-18 of the present application). Specifically, a profile is not established until a user accesses the system for the first time (page 29, line 21 through page 30, line 15). The profile is comprised of information implicitly gathered “based on the user’s behaviors and actions” during a call (page 30, lines 21-22).

Thus, the claimed embodiments provide streaming content to a user in response to an implicit request based on a user personalization profile. As such, streaming content can be provided to a user without the user explicitly requesting the content. In particular, the user personalization profile is based on actions and behaviors of the user.

In contrast, Wise teaches a system for presenting information over a telephone, wherein the information is presented in response to an explicit request for the information. Specifically, user commands or signals are received at a Call Manager that translates the commands or signals. As taught in Wise, a user requests information via DTMF signaling or through voice commands (page 2, lines 5-7). Specifically, signals or commands are a user entering in a numerical or alphanumerical sequence or by stating a voice command (col. 6, lines 30). Furthermore, the system as taught in Wise “will attempt to interpret the user command and then attempt to navigate based on

the command" (col. 6, lines 31-35). In particular, Wise describes a system where the information is presented in response to an explicit user command.

Applicants respectfully submit that Wise does not teach or suggest a method for providing streaming content over a telephone interface wherein the streaming content is implicitly requested. In particular, the system as taught in Wise does not teach or suggest a method for providing streaming content to a telephone in response to an implicit request based on a user personalization choice. On the contrary, Wise teaches a system where the information is presented based on an explicit user command.

Moreover, the combination of Wise and Didcock fails to teach or suggest this claim limitation because Didcock does not overcome the shortcomings of Wise. Didcock, alone or in combination with Wise, does not show or suggest a method for providing streaming content over a telephone interface wherein the streaming content is implicitly requested. As described above, Wise teaches a system for presenting information over a telephone in response to an explicit command.

Applicants understand Didcock to teach a unified messaging system for providing cached message streams. In particular, Didcock does not teach a method for providing streaming content in response to an implicit request. The system of Didcock presents a cached message to a user in response to a

message playback selection (step 510 of Figure 5). In contrast, the present invention as claimed presents streaming content based on an implicit request. Specifically, embodiments of the present invention provide an implicit request based on at least one personalization choice of a user.

Furthermore, Applicants respectfully assert that one skilled in the art would not be motivated to combine the teachings of Didcock and Wise because Didcock teaches away from such a combination. Didcock specifically teaches a unified messaging system with an internal PBX and an internal file server. In particular, the system of Didcock receives information, such as email messages, and streams this information over a telephone interface. In other words, the unified messaging system as taught in Didcock is limited to transmitting information that it has received. In other words, the unified messaging system of Didcock comprises for local streaming content.

In contrast, embodiments of the present invention as claimed are directed towards receiving an Internet access request and receiving the streaming content from the Internet site. Applicants respectfully submit that Didcock does not teach, disclose, or suggest receiving an Internet access request and receiving the streaming content from the Internet site, as claimed. On the contrary, by teaching a unified system that is limited to transmitting received information rather than actively retrieving information for transmission, Didcock teaches away from the combination of Wise and Didcock.

Moreover, the combination of Wise, Didcock and Kamel fails to teach or suggest the claim limitation of providing streaming content over a telephone interface wherein the streaming content is implicitly requested based on at least one user personalization choice because Kamel does not overcome the shortcomings of Wise and Didcock. Kamel, alone or in combination with Wise and Didcock, does not show or suggest a method for providing streaming content over a telephone interface wherein the streaming content is implicitly requested based on at least one user personalization choice. As described above, Wise teaches a system for presenting information over a telephone in response to an explicit command and Didcock teaches a unified messaging system for streaming explicitly requested information.

Applicants understand Kamel to teach a communications system for delivering promotional messages to subscribed calling parties. In particular, Kamel does not teach a method for providing streaming content in response to an implicit request based on a user personalization choice. The system of Kamel presents a targeted advertising over a telephone interface based on profile data. In particular, the profile data is collected based on demographic information such as gender, age, occupation, education, etc. (col. 5, lines 36-42). Specifically, the profile data is based on subscriber information. The subscriber system has access to the profile data based on information received when the subscription commences.

In contrast, the present invention as claimed presents streaming content based on an implicit request based on a user personalization choice. Specifically, embodiments of the present invention provide an implicit request based on at least one personalization choice of a user. As described above, the user personalization choice is made by the user (see page 45, lines 13-14 of the present application). As described in the specification, user personalization may be used to adopt implicit preferences (see page 32, lines 13-18 of the present application). Specifically, a profile is not established until a user accesses the system for the first time (page 29, line 21 through page 30, line 15). The profile is comprised of information implicitly gathered “based on the user’s behaviors and actions” during a call (page 30, lines 21-22), and is not limited to customer information as used in the profile of Kamel.

Applicants respectfully submit that Kamel does not teach, disclose, or suggest presenting streaming content based on an implicit request based on a user personalization choice, as claimed. On the contrary, by teaching a system that is targets advertising based on subscriber information, Kamel teaches away from such a configuration.

In view of the claim limitation of providing streaming content over a telephone interface wherein the streaming content is implicitly requested based on at least one user personalization choice not being shown or

suggested in Kamel, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 17 and 25 overcomes the cited references and is therefore allowable over the combination of Wise, Didcock and Kamel.

Claim 7 recites the limitation wherein the streaming content is received as a data packet from a packet switched network and wherein the telephone interface system communicates the audio signal to the Public Switched Telephone Network (PSTN). In particular, the streaming content is comprised of data packets.

In contrast, Wise teaches an advanced intelligent network (AIN) for providing long distance communications between two users over a computer network. Specifically, Wise does not teach or suggest providing streaming content over a telephone interface. The AIN of Wise converts live voice communication from a user into data packets for transfer to another user. Applicants understand Didcock to teach a unified messaging system with an internal PBX and an internal file server. For the reasons stated above in discussing independent Claims 1, 17 and 25, Applicants respectfully assert that one skilled in the art would not be motivated to combine the teachings of Didcock and Wise because Didcock teaches away from such a combination.



Claim 10 recites the limitation of the computer system comprising a local streaming content system comprising a second streaming content including at least a second audio portion. In particular, the second streaming content is distinct from the first streaming content. As described in the present application, streaming content is audio data sent as a stream. The streaming content is separated into small portions for transmission such that a user can begin listening to the content before the entire stream is received. As claimed, the present invention comprises streaming content comprising an audio portion and second streaming content comprising a second audio portion. The present invention as claimed can support two streaming contents because the first streaming content (e.g., streaming content) is streamed over the Internet and the second streaming content is streamed locally.

In contrast, the unified messaging system of Didcock teaches a single local temporary storage resource (LSTR) that comprises a data stream. Applicants respectfully assert that Didcock teaches supporting a single data stream comprised of multiple portions. In particular, Didcock establishes a first data portion of a data stream from a file server into a storage resource (or "stream cache"), and subsequently establishes a second data portion of the data stream from the storage resource to a data destination. Thus, Didcock "streams from a stream" (col. 11, lines 4-8).

Applicants respectfully submit that Didcock does not teach, disclose, or suggest accessing streaming content from the Internet and accessing second streaming content from a local streaming content system, as claimed. On the contrary, by teaching a system only has a local streaming content system for providing a single data stream, Didcock teaches away from such a configuration. Furthermore, as described above in discussing independent Claims 1, 17 and 25 and dependent Claim 7, Applicants respectfully assert that one skilled in the art would not be motivated to combine the teachings of Didcock and Wise because Didcock teaches away from such a combination.

Claims 11, 12 and 18-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wise, Didcock and Kamel, further in view of United States Patent 6,115,747 by Billings et al, hereinafter the "Billings" reference. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 11, 12, and 18-23 is not anticipated nor rendered obvious by Wise, Didcock and Kamel, further in view of Billings.

Claims 11, 12 and 18-23, recite the limitation of mixing the audio portion of the streaming content and the second audio portion of the second content. In particular, the audio portion and the second audio portion are mixed into a mixed signal such that the mixed signal is provided over a telephone. The mixed signal allows for two or more signals to be presented to a user at the same time.

The combination of Wise, Didcock, Kamel and Billings fails to teach or suggest the claim limitation of mixing the audio portion of the streaming content and the second audio portion of the second content because Billings does not overcome the shortcomings of Wise, Didcock and Kamel. Billings, alone or in combination with Wise, Didcock and Kamel, does not show or suggest a method for providing streaming content over a telephone interface comprising mixing the audio portion of the streaming content and the second audio portion of the second content. As described above, Wise teaches a system for presenting information over a telephone in response to an explicit command, Didcock teaches a unified messaging system for streaming explicitly requested information, and Kamel teaches a communication system for delivering promotional messages.

The combination Wise, Didcock Kamel fails to teach or suggest this claim limitation. Billings fail to remedy this default. On the contrary, Billings teaches a computer network interface that merges remote data with local data. In particular, data packets from a remote computer are merged with data packets from the local computer to create a combined stream of data packets. The combined stream is used to transmit data over a network. Specifically, the data is combined for transmission over a network only, and is not used for providing audio content to a user over a telephone. On the contrary, the packets

are transmitted in a combined stream over a network to their individual destination.

In contrast, the present invention as claimed comprises mixing the audio portion of the streaming content and the second audio portion of the second content. Specifically, embodiments of the present invention provide mixed audio content for providing streaming information from the Internet as well as streaming information from a local streaming content system. The mixed signal allows for two or more signals to be presented to a user at the same time. For example, prompts, system notifications, menu options and other user interface features may be combined with the streaming content (page 46, lines 10-18).

Applicants respectfully submit that Billings does not teach, disclose, or suggest mixing the audio portion of the streaming content and the second audio portion of the second content, as claimed. In view of the claim limitation of mixing the audio portion of the streaming content and the second audio portion of the second content not being shown or suggested in Billings, in combination with the above arguments, Applicants respectfully submit that Claims 11, 12 and 18-23 overcomes the cited references and are therefore allowable over the combination of Wise, Didcock, Kamel and Billings.

Furthermore, Applicants respectfully assert that nowhere does the combination of Wise, Didcock and Kamel teach, disclose or suggest the present invention as recited in independent Claims 1, 17 and 25, and that Claims 1, 17 and 25 are thus in condition for allowance. Therefore, Applicants respectfully submit the combination of Wise, Didcock and Kamel also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-16 that are dependent on allowable base Claim 1, and Claims 18-24 that are dependent on allowable base Claim 17. Applicants respectfully submit that Claims 2-16 and 18-24 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-25 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Dated: 21 May, 2003



Matthew J. Blecher  
Registration No. 46,558

Two North Market Street  
Third Floor  
San Jose, CA 95113  
(408) 938-9060